



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AK/CAC
F.#2010R00123

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 18, 2010

Via ECF and Hand Delivery

The Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Katosh Pantoliano
Criminal Docket No. 10-068 (SJ)

Dear Judge Gold:

On October 18, 2010, this Court held a suppression hearing in connection with the defendant's motion to suppress two photo book identifications and two show-up identifications. At the conclusion of today's hearing, the defendant indicated that he would be calling one witness tomorrow: an investigator who interviewed an eyewitness to the defendant's September 28, 2009 robbery of a restaurant employee in Bay Ridge, Brooklyn.

Following the hearing, defense counsel informed the government that the above-mentioned defense investigator interviewed the eyewitness today, in Spanish, and a recording of the interview was generated. Additionally, defense counsel stated that a copy of this Spanish-language recording may not be available to the government until tomorrow morning. Defense counsel could not provide any additional information regarding the investigator's anticipated testimony, including the name of the defendant's investigator, the extent to which written notes were taken during the interview, the duration of the interview, or the number of persons present.

In light of the foregoing, the government is likely to request an adjournment of the suppression hearing tomorrow morning, so that the government can review the Spanish language

recording of the interview and, if necessary, create English language transcripts for the Court's review in connection with the defendant's investigator's testimony.

Respectfully submitted,

LORETTA E. LYNCH
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cc: Charles Hochbaum, Esq. (Via ECF and Email)